

BYLAWS OF THE NIPOMO COMMUNITY ADVISORY COUNCIL

October 2004 revision

ARTICLE I - NAME

The name of this organization shall be the Nipomo Community Advisory Council, herein referred to as NCAC.

ARTICLE II – PURPOSE AND OBJECTIVES

Section 1: The mission of the Nipomo Community Advisory Council shall be to provide a forum for citizen involvement, education and information on issues, which affect the greater part of the Nipomo Community. NCAC shall seek (a) to achieve sound community planning and development of the Nipomo and the Nipomo Mesa area through consideration of social, technological, environmental and political impacts and (b) to advocate measures to promote a safe environment for our residents and visitors.

Section 2: Resolution 96-485 of the County Board of Supervisors recognizes the NCAC as the community advisory council.

ARTICLE III – GEOGRAPHICAL BOUNDARIES

Section 1: The Nipomo area geographic boundaries are the South County Inland and South Coastal Planning Areas.

Section 2: For purposes of representation the Nipomo area has been divided into seven (7) geographic areas having approximately the same population.

- Area 1 is all of the community within the Nipomo Urban Reserve Line and east of the 101 Freeway.
- Area 2 is all of the community within the Nipomo Urban Reserve Line, west of the 101 Freeway, and north of West Tefft.
- Area 3 is all of the community within the Nipomo Urban Reserve Line, west of the 101 Freeway, south of West Tefft and east of Orchard.
- Area 4 is all of the community within the Nipomo Urban Reserve Line, west of the 101 Freeway, south of West Tefft and west of Orchard.
- Area 5 is that area north of Black Lake Canyon, west of Pomeroy and south of Los Berros, outside the Urban Reserve Line.
- Area 6 is that area south of Black Lake Canyon, west of Pomeroy and Orchard, and north of Division. No part of Area 6 is within the Urban Reserve Line.
- Area 7 is that area east of Pomeroy, north of Los Berros and south of Division. No part of Area 7 is within the Urban Reserve Line.

ARTICLE IV - BASIC POLICIES

Section 1: Following are the basic policies of NCAC:

- a. NCAC will be noncommercial, nonsectarian and nonpartisan.
- b. The name of the organization or names of the members in their official capacities will not be used to endorse or promote commercial concern or in connection with any partisan interest or for any purpose not appropriately related to promotion of the objectives of the organization.
- c. The organization will not directly or indirectly participate or intervene (in any way, including the publishing or distributing of statements) in any political campaign on behalf of, or, in opposition to, any candidate for public office.
- d. The organization will not enter into membership with other organizations except with the approval of the San Luis Obispo County Board of Supervisors. These organizations may cooperate with other association's organizations and/or agencies concerned with this organization's mission.
- e. No NCAC member will make commitments that bind the group he or she represents without NCAC Board approval. A conflict of interest through litigation or financial interest must be discussed before the NCAC Board prior to the individual board member speaking on behalf of NCAC.
- f. No part of the funds of NCAC will inure to the benefit of, or be distributable to its members, directors, trustees, officers or other private citizens. NCAC will be authorized and empowered to pay reasonable compensation for services rendered, with NCAC Board approval.
- g. All funds due to NCAC, from any cooperative solicitation, will promptly be turned over the NCAC Treasurer for deposit without condition or limitation.
- h. The loan, sale or any commercial use of NCAC records, including lists of NCAC members, addresses by any officer or member, is strictly prohibited.
- i. NCAC will not tolerate any unlawful discrimination or sexual harassment.

ARTICLE V-- GENERAL MEMBERSHIP

General Membership in NCAC shall consist of every resident who legally resides within the South County Planning Areas (Inland and Coastal) as-described in Article III without regard to race, color, creed or national origin.

ARTICLE VI - BOARD OF DIRECTORS AND THEIR ELECTION

Section 1: The NCAC Board shall consist of General Members elected by the General Membership. The Board will be composed of 17 voting members:

- a. Geographic Representatives: There will be fourteen (14) seats on the NCAC Board for Geographic Representatives. The NCAC Membership shall elect these Geographic Representatives, each Member voting for two representatives only who reside within the geographical area in which the voter resides, as defined in Article III, Section 2. For example, only residents of Area 1 may vote for the two representatives of Area 1 (the Area 1 candidates must reside in Area 1).
- b. Special Concern Representatives: The General Membership shall elect two (2) Special Concern Representatives, one in each of the following areas: Agriculture and Public Safety.

c. Past Chairperson: The immediate Past Chairperson of NCAC is entitled to sit on the Board if he/she chooses, for one year. The past Chairperson is a voting member. If he/she cannot or is not willing to serve, that seat shall remain vacant for the rest of the calendar year.

d. For the purposes of discussion but not voting, the Board will include two (2) ex-officio members, one selected by each of the following organizations:

- Lucia Mar Unified School District (LMUSD)
- Nipomo Community Services District (NCSD)

Ex-officio members are not included in determining a quorum, nor are they required to attend Board or general meetings but, if present, they are allowed to participate in debate of any motions presented before the council.

e. Board members shall be elected for one year.

f. In the event of a Board Member's absence, there shall be no alternate.

g. If a seat remains unfilled after the election, the position will remain vacant until filled by a qualified candidate elected in open session by the newly elected NCAC Board, to serve only until the next General Election. Any candidate elected by the NCAC Board to fill a vacant position must be a legal resident of the geographical area in which the vacant position has occurred; except that candidates for the vacant positions of Agriculture and Public Safety may be residents of any geographical area within the NCAC geographical boundaries as defined in Article III, Section 2.

h. If a Board member resigns, or is removed from office for cause by a 2/3 super-majority vote of the Board, the position will remain vacant until filled by a candidate elected by the NCAC Board, in accordance with the above Article VI, Section 1g. However, if a position becomes vacant after October 1, the Board may elect not to fill the vacancy.

Section 2: The Term of Office of the Board members shall be one (1) year.

Section 3: Duties of the Board of Directors shall include but not be limited to:

- a. Follow the NCAC Bylaws;
- b. Transact necessary business consistent with the NCAC purpose and mission;
- c. Authorize the payment of routine organizational bills within the limits of the NCAC budget;
- d. Create and approve standing committees, ad hoc committees and task forces;
- e. Fill vacancies on the NCAC board;
- f. Review and approve written minutes;
- g. Read all material submitted to the Board prior to the Board or General meetings; and
- h. Function in a manner consistent with the spirit of the Brown Act.

Section 4: Representing the NCAC

- a. NCAC Board Members shall not use the name of the NCAC to further their personal goals or views but shall, so long as they serve on the NCAC, advocate and advance those views officially adopted by the majority of the Board.
- b. All correspondence, identified as originating in the NCAC and representing the views of its Board, shall be signed only by the Chairperson of the Council or, if authorized by the Council, by the Corresponding Secretary. NCAC letterhead paper shall not be used for any other purpose.

Section 5: Conflict of Interest

- a. All NCAC Board Members shall comply with the model Conflict of Interest Code for state and local agencies promulgated by the California Fair Political Practices Commission, set forth in Title 2 California Code of Regulations §18730 et seq, only as enumerated in the following paragraph:
- b. No NCAC Board Member shall make, participate in making, or in any way attempt to use his or her position to influence the making of any decision which he or she knows or has reason to know, will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the Board member or a member of his or her immediate family or on:
 1. Any business entity in which the NCAC Board Member has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
 2. Any real property in which the NCAC Board Member has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
 3. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the NCAC Board Member, within 12 months prior to the time when the decision is made;
 4. Any organization in which the NCAC Board Member is a director, officer, partner, trustee, employee, or holds any position of management:
or
 5. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$340 or more provided to, received by, or promised to the NCAC Board Member within 12 months prior to the time when the decision is made.
- c. Voting and ex-officio members having a conflict of interest concerning any issue before the Board shall declare the nature of their conflict of interest and recuse themselves, leaving the meeting or moving to sit with the general public before discussion begins and staying there until the issue is concluded.
- d. Voting and ex-officio members, speaking as private citizens, may represent persons or other legal entities before the Board, taking only such time as applicants are normally allowed by the Chair and not participating in the discussion once the matter is closed to public comment. Under no circumstance shall the Board call upon them for comment beyond this limit.

Section 6: The Board of Directors shall meet at least once a month unless otherwise determined by the NCAC board.

Section 7: Each member of the NCAC Board of Directors will participate in Board functions to include but not limited to: Board, General and Special Meetings, and, as time allows, other events and functions that may arise in the course of the year.

Section 8: In the event (a) an NCAC Board member fails to attend three (3) consecutive Board or General Meetings without an adequate excuse communicated to the Chairperson, or (b) if the Board member is not fulfilling the responsibilities of the office as described in the NCAC Bylaws and standing rules, or (c) if the Board member engages in conduct clearly injurious to the organization or its purposes, the NCAC Board may, by a vote of 2/3 of the entire Board, declare his/her office vacant.

Section 9: Every individual who is a Board member in good standing of NCAC is entitled to all the benefits of such membership.

ARTICLE VII –ELECTION

The NCAC shall hold an election of new Board Members in January of each year.

Section 1: Election Committee.

- a. This ad hoc committee shall conduct the annual election of the NCAC Board. This committee shall be established ninety (90) days prior to the election and dissolved sixty (60) days after the election.
- b. The Election Committee shall consist of 5 to 7 members. The NCAC Board shall appoint the Chairperson. The Election Committee is subject to Article X, Section 3 of the Bylaws.
- c. The NCAC election shall be the responsibility of the Election Committee and its Chairperson. In the absence of the Election Committee Chairperson by reason of illness or otherwise, the Election Committee Vice Chairperson will preside over the Committee.
- d. The present Chairperson of the NCAC Council shall be a member of the Election Committee but may not hold the position of Election Committee Chairperson or Vice Chairperson.
- e. The Chairperson of the NCAC Board shall be present in the counting of all ballots, including recounts. In the event that the NCAC Board Chairperson is not available by reason of illness or otherwise, the NCAC Board Vice-Chairperson shall be present at the counting of all ballots and recounts.

Section 2: Election Process

- a. Candidates shall file their application to run for a seat on the NCAC Board, with the Election Committee, not less than thirty (30) days prior to the election, or shall declare their intent at the town hall meeting referenced in paragraph c below
- b. A candidate may run for only one office.
- c. The election date and the candidates will be announced in one or more local newspapers. A town hall meeting shall be organized by the Election Committee

at least one week and not more than three weeks prior to the election, allowing the public to meet and question the candidates.

d. On Election Day, there shall be one polling place, centrally located at the Nipomo Library, the NCSD Building, or a similarly locally situated and publicly accessible place. Voting will be permitted between the hours of 11 a.m. and 8 p.m. The polling site shall officially close at 8 p.m.

e. Electioneering of any kind, including the distribution of voter recommendations, campaign literature, or other such materials shall be strictly prohibited within 100 feet of the polling place.

f. There shall be one ballot per geographical area (printed on a different color of paper). Each ballot will contain the geographical candidates for that area and the candidates common to all areas (i.e., Agriculture and Public Safety representatives).

g. Voters shall be residents of the geographical area they are voting for and shall be at least 18 years of age. Residency shall be verified by cross-checking the Voter Registration list, or by the voter providing a picture ID and other proof of residence.

h. Each voter shall sign in by printing his or her full name and residence address and signing the official Voter Roster maintained by the Election Committee. Each voter may vote only once.

i. Marked ballots shall be deposited in a locked ballot box. These ballots will be counted when the polling place officially closes and in presence of at least a majority of the Election Committee members.

j. Candidates for office may serve on the Election Committee, but may not handle the ballots.

Section 3: Validating an Election.

a. The election validation process shall be complete when all the ballots are counted and there is no disputing of the election per Section 5 below or, if contested, when any ballot recounts are completed and all disputes against the election are concluded.

b. Invalid ballots (i.e., forged, counterfeit, photocopied, defaced, unreadable, left blank, or showing more than one candidate selected) are null and void and shall be automatically disqualified by the Election Committee.

c. If one or more geographical seats are contested and no other part of the election is being contested, the uncontested seats in the election can be validated by a majority vote of the Election Committee.

d. If the election of either Special Concern representative (i.e., Public Safety and Agriculture) is contested, the uncontested seats in the election can be validated by a majority vote of the Election Committee.

e. There shall be no declared winner for a seat until the Election Committee evaluates any challenges and the Election Committee Chairperson submits the Committee's findings.

Section 4: Ballot Inspection.

A person wishing to examine the counted ballots shall not be required to file a written request; but any person finding a discrepancy and wishing to protest it, must submit a written statement contesting the election returns, as outlined in Article VII, Section 5, below.

Section 5: Contesting the Election of Candidates.

- a. A person wishing to contest an election must file a written statement with the Election Chairperson within five (5) days after the close of the election. It must state the nature of the protest and must reference what part of the NCAC Bylaws is applicable.
- b. If the winning candidate for an area is disqualified and there is no other candidate for that area, then after all phases of the contested election have been resolved, the newly elected NCAC Board, in accordance with Article VI, Section 1g, shall elect that area's representative.
- c. If the winning candidate for an area is disqualified and there is one other qualified candidate left on the ballot, then that person is elected to that position by default.
- e. If a protest is filed, challenging the ballots for a particular geographical area, then that area's ballots shall be examined and any ballots found invalid shall be removed. The winning candidate shall be determined by a recount of the remaining valid ballots.
- f. A disqualified candidate for a position cannot be appointed or elected by the NCAC Board to that position, during the current calendar year.
- g. Any part of the election that has been contested shall be duly noted in the Election Committee's Minutes and a copy of the protest shall be attached thereto, together with a signed and dated affidavit from the Election Committee Chairperson, summarizing the Committee officials findings.
- h. All recounts of contested positions, shall be witnessed by a majority of the Election Committee under the supervision of the Committee Chairperson, and the NCAC Chair or the NCAC Vice-chair.

Section 6: Election of Officers.

When the election has been validated and no sooner than five (5) days after the date of the election, the new NCAC Board shall meet to elect the Officers of the Board.

- a. Annually, the new NCAC Board shall elect the Officers of the Board, from the membership of the Board. The only exception to this is the Immediate Past Chair, who automatically assumes the seat reserved for that position.
- b. Officers of this Board shall consist of the Chairperson, Vice Chairperson, Corresponding Secretary, Recording Secretary, Treasurer, and Immediate Past Chairperson.
- c. Officers shall be elected by a majority vote of the NCAC Board and shall serve a term of one calendar year.

d. The Board will fill a vacancy occurring in any office for the unexpired term. Election to fill the vacancy will require the majority vote of the Board, with at least ten (10) days previous public notice. The Vice Chairperson will serve notice of the forthcoming election. In the event a vacancy occurs in the office of Chairperson, the Immediate Past Chairperson will serve as Chairperson until the Board elects a new Chairperson.

ARTICLE VIII - DUTIES OF NCAC OFFICERS

Section 1: Chairperson

- a. Coordinate the work of the officers, committees, subcommittees, task forces of NCAC in order that the objective may be fulfilled;
- b. Preside at all meetings of the NCAC;
- c. Attend or appoint a representative to attend the Board of Supervisors, Planning Commission and other meetings that may affect NCAC;
- d. Prepare an annual report;
- e. Be the official NCAC representative;
- f. Conduct the NCAC affairs and execute the policies established by the NCAC Board;
- g. Be a non-voting member of the Board except in the case of a tie;
- h. Recommend committees chairpersons, to the NCAC Board members, for ratification; and
- i. Send agendas of Board and General meetings to membership and media.

Section 2: Past Chairperson:

Assist the Chairperson on an as needed basis.

Section 3: Vice-Chairperson:

- a. In the absence or disability of the Chairperson, the Vice-Chairperson will perform the duties of the Chairperson; and
- b. The Chairperson may assign the Vice-Chairperson duties.

Section 4: Recording Secretary:

- a. Keep an accurate written record of the proceedings of all meetings of NCAC;
- b. Keep an NCAC bound book containing all minutes with a copy of unapproved and NCAC approved minutes;
- c. Be prepared to refer to written minutes of previous meetings;
- d. Prepare a list for the Chairperson of all unfinished business;
- e. Keep a current list of all NCAC members;
- f. Keep a current copy of the NCAC Bylaws and standing rules to refer to at all NCAC meetings; and

- g. Perform such other duties as may be delegated.

Section 5: Corresponding Secretary:

- a. Conduct all necessary NCAC correspondence authorized by the Chairperson and/or NCAC Board; and
- b. Perform such other duties as may be delegated.

Section 6: Treasurer:

- a. Keep such permanent books of account and records as will be sufficient to establish the items of gross income, receipts and disbursements of the NCAC;
- b. Receive all monies for the NCAC, giving receipt therefore, deposit monies in the name of NCAC in the bank approved by the NCAC Board, and receive and retain a copy of the deposit slip for any deposit made;
- c. Pay all bills as authorized by the NCAC Board and on receipt of invoices signed by the Chairperson;
- d. Keep an accurate record of receipts and disbursements in a ledger that is a permanent record. All other financial records must be retained for seven (7) years including the current year;
- e. Keep the membership informed of expenditures as they relate to the budget adopted by NCAC;
- f. Present a statement of the account at the monthly meetings or when requested by NCAC;
- g. Be responsible for completing all necessary report forms required by the NCAC, the County of San Luis Obispo and tax filing forms required by government agencies;
- h. Present an annual financial report to the NCAC, which includes gross receipts and disbursements for the year; and
- i. Be authorized to sign check along with the Chairperson and Vice-Chairperson. There must be two signers on every check. The authorizers will not be related by blood or marriage or reside at the same address.

Section 7: Upon the expiration of the term of office or in the case of resignation each officer will turn over to the Chairperson within ten (10) days of resignation or removal, all records, minutes, books and other materials pertaining to the organization or office. All materials, and funds pertaining to the NCAC Treasurer's office will be returned within ten (10) days of resignation or removal.

ARTICLE IX - MEETINGS

Section 1: General Meetings

- a. General meetings are held on a regular basis with the date and times determined by the NCAC Board.

- b. NCAC General meetings notices may be made in the local media and posted on the NCAC website. General meetings are held for the purpose of gathering public input, speaking on issues and projects and exchanging information.
- c. General meetings are held to conduct the business of NCAC.
- d. Board meetings should be held at least monthly on the date and time as determined by the board. The Chairperson or three Board Members, upon written request or verbal notice sent at least three (3) days prior to the meeting, may call special meetings.
- e. The privilege of making motions and voting will be limited to the Board members that are present at the meeting.
- f. The presence in person of one half (1/2) plus one of the NCAC Board members is necessary to constitute a quorum.
- g. All meetings of the NCAC and its committees shall be open to the public.

ARTICLE X - COMMITTEES/TASK FORCE COMMITTEES

Section 1: There may be such committees and/or task force created by the NCAC Board as may be required to carry out the work of NCAC. No committee shall make policy for the NCAC, but shall present recommendation to the Board for revision and approval.

Section 2: The Fourth District Supervisor, subject to the recommendation of the Committee Chairperson and the NCAC Board may appoint San Luis Obispo County staff to assist the committee/task force.

Section 3: Each committee will have a Chairperson. The chair will present the plans of work to the NCAC Board for approval. Work will be undertaken with the approval of the NCAC Board. After a committee is formed and prior to beginning work, the Committee Chairperson will provide the NCAC Board of Directors with a written mission statement, plan of action and goals, as well as a list of the Committee Members. The NCAC Board will review and may approve the plan. All committee updates must be brought to NCAC for Board approval.

Section 4: Committees and task force committees will publish their agendas 72 hours prior to their meeting. Minutes of all meetings shall be published with five (5) days following such meetings.

Section 5: The existing standing committees are as follows:

- a. Traffic and Circulation
- b. Parks and Recreation
- c. Land Use
- d. Wireless Antenna
- e. General Plan Amendment

ARTICLE XI - BYLAWS AMENDMENTS

Section 1: The Bylaws of the NCAC will not be in conflict with the Bylaws of the San Luis Obispo County Board of Supervisors.

Section 2: These Bylaws may be amended, appealed, or altered in whole or in part by 2/3 majority of the NCAC Board of Directors subject to adequate notice of all NCAC Board of Directors.

Section 3: The Bylaws will be submitted to the Fourth District Supervisor.

Section 4: Bylaws amendments shall be submitted to the NCAC and the public for a 4 week review prior to the NCAC voting on such proposed amendments.

ARTICLE XII - FISCAL YEAR

Section 1: The fiscal year of NCAC will begin July 1 and end June 30

ARTICLE XIII - PARLIAMENTARY AUTHORITY

The Chairperson shall conduct all meetings in an orderly manner.

BYLAWS APPROVAL

These Bylaws have been duly approved by the NCAC Board of Directors at a meeting on

(date) _____ at Nipomo, CA and will become effective October 1, 2004.

• Chairperson _____ Date _____

• Recording Secretary _____ Date _____